

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,
MARISSA BLAIR, TYLER MAGILL, APRIL
MUNIZ, HANNAH PEARCE, MARCUS
MARTIN, NATALIE ROMERO, CHELSEA
ALVARADO, and JOHN DOE,

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES
ALEX FIELDS, JR., VANGUARD
AMERICA, ANDREW ANGLIN,
MOONBASE HOLDINGS, LLC, ROBERT
“AZZMADOR” RAY, NATHAN DAMIGO,
ELLIOT KLINE a/k/a/ ELI MOSLEY,
IDENTITY EVROPA, MATTHEW
HEIMBACH, MATTHEW PARROTT a/k/a
DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS,
LEAGUE OF THE SOUTH, JEFF SCHOEP,
NATIONAL SOCIALIST MOVEMENT,
NATIONALIST FRONT, AUGUSTUS SOL
INVICTUS, FRATERNAL ORDER OF THE
ALT-KNIGHTS, MICHAEL “ENOCHE”
PEINOVICH, LOYAL WHITE KNIGHTS OF
THE KU KLUX KLAN, and EAST COAST
KNIGHTS OF THE KU KLUX KLAN a/k/a
EAST COAST KNIGHTS OF THE TRUE
INVISIBLE EMPIRE,

Defendants.

Civil Action No. 3:17-cv-00072-NKM

JURY TRIAL DEMANDED

**PLAINTIFFS’ REQUEST UNDER LOCAL RULE 11(b) ON MOTION TO ENJOIN
DEFENDANT CANTWELL FROM MAKING UNLAWFUL THREATS AGAINST
PLAINTIFFS AND PLAINTIFFS’ COUNSEL**

On July 2, 2019, Plaintiffs filed a Motion to Enjoin Defendant Cantwell from Making Threats Against Plaintiffs and Plaintiffs' Counsel ("the Motion"). (ECF No. 511.) On July 15, 2019, Plaintiffs filed a supplement to the motion alerting the Court to the fact that the threats continued while the Motion was pending. (ECF No. 523 ("Mr. Cantwell plainly continues to use threatening language toward Ms. Kaplan with impunity.").) On July 25, Mr. Cantwell's attorneys, James Kolenich and Elmer Woodard, filed a Motion to Withdraw as Counsel for Mr. Cantwell, based in part on what they described as Mr. Cantwell's "allegedly threatening internet communications directed at Ms. Kaplan, lead attorney for the Plaintiff's [sic]." (ECF No. 531 at 2.) In that motion, Mr. Kolenich and Mr. Woodard noted that Mr. Cantwell "has engaged in conduct [Mr. Kolenich and Mr. Woodard] consider repugnant or imprudent" (*id.* at 2) and that Mr. Cantwell had "arguably caused a fellow Attorney to have concerns for her safety." (*Id.* at FN 7.) Mr. Cantwell's attorneys candidly stated they "are at a loss as to how we would be able to argue Ms. Kaplan's concerns and requests for relief as expressed to the Court are unreasonable." (*Id.* at FN 5.)

In addition to the fact that Mr. Cantwell's attorneys appear to side with Plaintiffs on the merits, Mr. Cantwell's time to respond to the Motion has elapsed. *See* Local Rule 11(c)(1) ("[T]he opposing party must file a responsive brief and such supporting documents as are appropriate within 14 days after service."). Accordingly, Plaintiffs' Motion appears to be unopposed. Plaintiffs respectfully request that the motion be deemed submitted. Given the ongoing importance of security to the litigation generally, Plaintiffs would, in the alternative, be happy to appear before the Court for hearing on this issue.

Date: August 28, 2019

Respectfully submitted,

/s/

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CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2019, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

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I further hereby certify that on August 28, 2019, I also served the following non-ECF participants, via U.S. mail, First Class and postage prepaid, addressed as follows:

Loyal White Knights of the Ku Klux Klan
a/k/a: Loyal White Knights Church of
the Invisible Empire, Inc.
c/o Chris and Amanda Barker
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Yanceyville, NC 27379

East Coast Knights of the Ku Klux Klan
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True Invisible Empire
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Augustus Sol Invictus
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Fraternal Order of the Alt-Knights
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I further hereby certify that on August 28, 2019, I also served the following non-ECF participants, via electronic mail, as follows:

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